

CIVIL COVER SHEET

11CV6127

JS 44C/SDNY
REV. 1/97
WEB 4/99

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Securities Investor Protection Corporation

DEFENDANTS

Bernard L. Madoff Investment Securities LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Attorneys for Appellant Collace Services Limited
Withers Bergman LLP, 430 Park Avenue, 10th Floor
New York, NY 10022, 212-848-9800

ATTORNEYS (IF KNOWN)
Attorneys for Trustee/Appellee
Baker & Hostetler LLP, 45 Rockefeller Plaza
New York, NY 10111, 212-589-4200

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

28 U.S.C. § 158: appeal from decision and order of U.S. Bankruptcy Court

Has this or a similar case been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned Denise L. CoteIf yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

08-1789 #4235

ACTIONS UNDER STATUTES

| CONTRACT | | TORTS | | FORFEITURE/PENALTY | | BANKRUPTCY | | OTHER STATUTES | |
|---|---|--|--|--|---|------------|--|----------------|--|
| <input type="checkbox"/> 110 INSURANCE | <input type="checkbox"/> 310 AIRPLANE | <input type="checkbox"/> 362 PERSONAL INJURY - | <input type="checkbox"/> 610 AGRICULTURE | <input checked="" type="checkbox"/> 422 APPEAL | <input type="checkbox"/> 400 STATE | | | | |
| <input type="checkbox"/> 120 MARINE | <input type="checkbox"/> 315 AIRPLANE PRODUCT | <input type="checkbox"/> MED MALPRACTICE | <input type="checkbox"/> 620 FOOD & DRUG | 28 USC 158 | <input type="checkbox"/> REAPPORTIONMENT | | | | |
| <input type="checkbox"/> 130 MILLER ACT | <input type="checkbox"/> LIABILITY | <input type="checkbox"/> 365 PERSONAL INJURY | <input type="checkbox"/> 625 DRUG RELATED | <input type="checkbox"/> 423 WITHDRAWAL | <input type="checkbox"/> 410 ANTITRUST | | | | |
| <input type="checkbox"/> 140 NEGOTIABLE | <input type="checkbox"/> 320 ASSAULT, LIBEL & | <input type="checkbox"/> PRODUCT LIABILITY | SEIZURE OF | 28 USC 157 | <input type="checkbox"/> 430 BANKS & BANKING | | | | |
| <input type="checkbox"/> INSTRUMENT | <input type="checkbox"/> SLANDER | <input type="checkbox"/> 368 ASBESTOS PERSONAL | <input type="checkbox"/> 630 LIQUOR LAWS | | <input type="checkbox"/> 450 COMMERCE/CC | | | | |
| <input type="checkbox"/> 150 RECOVERY OF | <input type="checkbox"/> 330 FEDERAL | <input type="checkbox"/> INJURY PRODUCT | <input type="checkbox"/> 21 USC 881 | <input type="checkbox"/> PROPERTY RIGHTS | <input type="checkbox"/> RATES/ETC | | | | |
| <input type="checkbox"/> OVERPAYMENT & | <input type="checkbox"/> EMPLOYERS' | <input type="checkbox"/> LIABILITY | <input type="checkbox"/> 640 RR & TRUCK | <input type="checkbox"/> 460 DEPORTATION | <input type="checkbox"/> 470 RACKETEER INFLU- | | | | |
| <input type="checkbox"/> ENFORCEMENT OF | <input type="checkbox"/> LIABILITY | <input type="checkbox"/> 370 OTHER FRAUD | <input type="checkbox"/> 650 AIRLINE REGS | <input type="checkbox"/> 820 COPYRIGHTS | <input type="checkbox"/> ENCED & CORRUPT | | | | |
| <input type="checkbox"/> JUDGMENT | <input type="checkbox"/> 340 MARINE | <input type="checkbox"/> 371 TRUTH IN LENDING | <input type="checkbox"/> 660 OCCUPATIONAL | <input type="checkbox"/> 830 PATENT | <input type="checkbox"/> ORGANIZATION ACT | | | | |
| <input type="checkbox"/> 151 MEDICARE ACT | <input type="checkbox"/> 345 MARINE PRODUCT | <input type="checkbox"/> 380 OTHER PERSONAL | <input type="checkbox"/> SAFETY/HEALTH | <input type="checkbox"/> 840 TRADEMARK | <input type="checkbox"/> (RICO) | | | | |
| <input type="checkbox"/> 152 RECOVERY OF | <input type="checkbox"/> LIABILITY | <input type="checkbox"/> PROPERTY DAMAGE | <input type="checkbox"/> 680 OTHER | <input type="checkbox"/> SOCIAL SECURITY | <input type="checkbox"/> 810 SELECTIVE SERVICE | | | | |
| <input type="checkbox"/> DEFAULTED | <input type="checkbox"/> 350 MOTOR VEHICLE | <input type="checkbox"/> 385 PROPERTY DAMAGE | <input type="checkbox"/> LABOR | <input type="checkbox"/> 861 MIA (1395FF) | <input type="checkbox"/> 850 SECURITIES/ | | | | |
| <input type="checkbox"/> STUDENT LOANS | <input type="checkbox"/> 355 MOTOR VEHICLE | <input type="checkbox"/> PRODUCT LIABILITY | <input type="checkbox"/> 710 FAIR LABOR | <input type="checkbox"/> 862 BLACK LUNG (923) | <input type="checkbox"/> COMMODITIES/ | | | | |
| <input type="checkbox"/> (EXCL VETERANS) | <input type="checkbox"/> 360 OTHER PERSONAL | <input type="checkbox"/> INJURY | <input type="checkbox"/> STANDARDS ACT | <input type="checkbox"/> 863 DIWC (405(g)) | <input type="checkbox"/> EXCHANGE | | | | |
| <input type="checkbox"/> 153 RECOVERY OF | | | <input type="checkbox"/> 720 LABOR/MGMT | <input type="checkbox"/> 863 DIWW (405(g)) | <input type="checkbox"/> 875 CUSTOMER | | | | |
| <input type="checkbox"/> OVERPAYMENT OF | | | <input type="checkbox"/> RELATIONS | <input type="checkbox"/> 864 SSID TITLE XVI | <input type="checkbox"/> CHALLENGE | | | | |
| <input type="checkbox"/> VETERAN'S BENEFITS | | | <input type="checkbox"/> 730 LABOR/MGMT | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 12 USC 3410 | | | | |
| <input type="checkbox"/> 160 STOCKHOLDERS | | | <input type="checkbox"/> REPORTING & | | <input type="checkbox"/> 891 AGRICULTURE ACTS | | | | |
| <input type="checkbox"/> SUITS | | | <input type="checkbox"/> DISCLOSURE ACT | | <input type="checkbox"/> 892 ECONOMIC | | | | |
| <input type="checkbox"/> 190 OTHER CONTRACT | | | <input type="checkbox"/> 740 RAILWAY LABOR ACT | <input type="checkbox"/> FEDERAL TAX SUITS | <input type="checkbox"/> STABILIZATION ACT | | | | |
| <input type="checkbox"/> 195 CONTRACT PRODUCT | | | <input type="checkbox"/> 790 OTHER LABOR | <input type="checkbox"/> 870 TAXES | <input type="checkbox"/> ENVIRONMENTAL | | | | |
| <input type="checkbox"/> LIABILITY | | | <input type="checkbox"/> LITIGATION | <input type="checkbox"/> 871 IRS-THIRD PARTY | <input type="checkbox"/> MATTERS | | | | |
| | | | <input type="checkbox"/> 791 EMPL RET INC | 20 USC 7609 | <input type="checkbox"/> 894 ENERGY | | | | |
| | | | <input type="checkbox"/> SECURITY ACT | | <input type="checkbox"/> ALLOCATION ACT | | | | |
| | | | | | <input type="checkbox"/> 895 FREEDOM OF | | | | |
| | | | | | <input type="checkbox"/> INFORMATION ACT | | | | |
| | | | | | <input type="checkbox"/> 900 APPEAL OF FEE | | | | |
| | | | | | <input type="checkbox"/> DETERMINATION UNDER | | | | |
| | | | | | <input type="checkbox"/> EQUAL ACCESS TO | | | | |
| | | | | | <input type="checkbox"/> JUSTICE | | | | |
| | | | | | <input type="checkbox"/> 950 CONSTITUTIONALITY OF | | | | |
| | | | | | <input type="checkbox"/> STATE STATUTES | | | | |
| | | | | | <input type="checkbox"/> 890 OTHER STATUTORY | | | | |
| | | | | | <input type="checkbox"/> ACTIONS | | | | |

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:DEMAND \$ _____ OTHER _____ JUDGE Denise L. Cote DOCKET NUMBER 11-cv-05683Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

| | PTF | DEF | | PTF | DEF | | PTF | DEF |
|--------------------------|-----|-----|---|-----|-----|---|-----|-----|
| CITIZEN OF THIS STATE | [] | [] | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | [] | [] | INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE | [] | [] |
| CITIZEN OF ANOTHER STATE | [] | [] | INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE | [] | [] | FOREIGN NATION | [] | [] |

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

Appellant: Collace Services Limited
Withers Bergman LLP
c/o Chaya F. Weinberg-Brodth
430 Park Avenue, 10th Floor
New York, N.Y. 10022
212-848-9800

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

Appellee/Trustee:
Baker & Hostetler LLP
c/o Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC
45 Rockefeller Plaza
New York, N.Y. 10111

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE
(DO NOT check either box if this a PRISONER PETITION.)

DATE

8/22/2011

RECEIPT #

SIGNATURE OF ATTORNEY OF RECORD

Chaya F. Weinberg

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

☒ YES (DATE ADMITTED Mo. June Yr. 1993)

Attorney Bar Code # 4676

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

James M. Parkison, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)